

PATENT, TRADEMARK,  
COPYRIGHT AND  
RELATED MATTERS

Attorney Docket: TOPP-P2-US

**MARK A. GARZIA, P.C.**  
A PROFESSIONAL CORPORATION

2058 CHICHESTER AVENUE  
BOOTHWYN, PA 19061-3735

Telephone: 610.485.9400  
Facsimile: 610.485.7660  
E-mail: mark@patentcounsel.net

ATTORNEY AT LAW  
*Admitted in PA and NJ*  
*Registered Patent Attorney*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICANT : Daniel P. Topp  
TITLE : COMBUSTION SYSTEM FOR A HEATER  
APPLICATION NO. : 09/852,445  
FILING DATE : May 9, 2001  
EXAMINER : Kathryn Odland  
ART UNIT : 3743

**RECEIVED**

SEP 07 2003  
TECHNOLOGY CENTER R3700

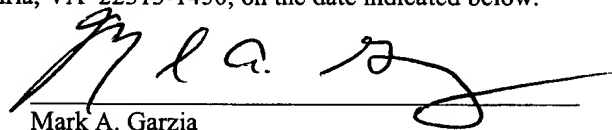
\* \* \* \* \*

**CERTIFICATE OF MAILING**

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

30 AUGUST 2004

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mark A. Garzia

**TRANSMITTAL LETTER ACCOMPANYING REPLY AND AMENDMENT**

Dear Sirs:

Transmitted herewith is a Reply to Office Action and Amendment Under 37 C.F.R. §  
1.111 (17 pgs.) in the above-captioned application.

☒ Small entity status of this application pursuant to 37 C.F.R. § 1.27 has been established.

☐ It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

☒ Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 [fees: 37 C.F.R. §1.17(a) - (d)] for the total number of month(s) checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
<input type="checkbox"/> 1 Month	\$110.00	\$ 55.00
<input checked="" type="checkbox"/> <b>2 Months</b>	<b>\$420.00</b>	<b>\$210.00</b>
<input type="checkbox"/> 3 Months	\$950.00	\$475.00
<input type="checkbox"/> 4 Months	\$1480.00	\$740.00
<input type="checkbox"/> 5 Months	\$2010.00	\$1005.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (    pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (    pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

☒ A postage-prepaid, self-addressed postcard to acknowledge receipt of this communication is enclosed.

☒ Fee Transmittal for FY 2004 is enclosed (1 pg.)

☐ Other enclosed documents:

☐ New Abstract numbered Page \_\_\_\_ of \_\_\_\_ (1 pg.).

[ ] Figures marked in red (1 pgs.).

**EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee	Fee Paid
Total Claims	[ 21 ] - 20* = [ 1 ] x	[\$9] =	\$ 9
Independent Claims	[ 2 ] - 3* = [ 0 ] x	[\$43] =	\$ 0
Multiple Dependent		[\$145] =	\$ 0

*\*claim number previously paid for*

[ ] No additional claim fee is required.

[XX] Payment is made by:

[ ] Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the fee is enclosed.

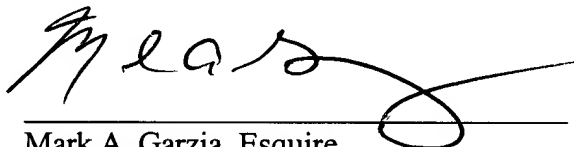
[XX] **Credit Card Payment Form PTO-2038 in the amount of \$219.00 is enclosed to cover the fee for the Petition for a Two-Month Extension of Time and one extra claim fee.**

Respectfully submitted,

30 AUGUST 2004

\_\_\_\_\_  
Date

Law Offices of Mark A. Garzia  
2058 Chichester Avenue  
Boothwyn, PA 19061  
Telephone: (610) 485-9400

  
\_\_\_\_\_  
Mark A. Garzia, Esquire  
Registration No. 35,517

U.S. PAT. & TM. OFF. SEP 02 2004

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 219.

## Complete if Known

Application Number 09/852,445  
Filing Date May 9, 2001  
First Named Inventor TOPP, Daniel P.  
Examiner Name Kathryn Odland  
Art Unit 3743  
Attorney Docket No. TOPP-P2-US

RECEIVED

SEP 07 2004

TECHNOLOGY CENTER R3700

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
21	-20** = 1	0	9
Independent Claims	-3** = 0	0	0
Multiple Dependent			0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 9

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	210
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 210

## SUBMITTED BY

Name (Print/Type) Mark A. Garzia  
Signature *Mark A. Garzia*  
Registration No. (Attorney/Agent) 35,517  
Telephone 610.485.9400  
Date Aug. 30, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.